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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 United States of America,
10 Plaintiff,
11 vs.
12 David Allen Harbour,
13 Defendant.

NO. CR-19-0898-PHX-DLR

**DEFENDANT DAVID ALLEN
HARBOUR'S UNOPPOSED MOTION
TO DESIGNATE CASE AS
COMPLEX, CONTINUE THE TRIAL
DATE AND SET A STATUS
CONFERENCE**

14
15 Defendant David Allen Harbour, by and through counsel, respectfully moves this
16 Court, pursuant to Local Criminal Rule 16.2, to designate this matter a “complex case”
17 within the meaning of 18 U.S.C. § 3161(h)(7)(B)(ii). Defendant additionally moves the
18 Court to continue the current trial date and set a status conference within 21 days of the
19 complex case designation to determine a schedule for motions, discovery, and other pre-
20 trial case management issues. The government does not oppose this motion.

21 Excludable delay under 18 U.S.C. § 3161(h)(7)(B)(ii) will occur as a result of this
22 motion or an order based thereon.

23 **MEMORANDUM**

24 On July 30, 2019, the government obtained a 22-count indictment. Counts 1
25 through 3 charge wire fraud and counts 4-22 relate to transactional money laundering.
26 Mr. Harbour had his initial appearance on August 5, 2019 and was released with
27 conditions on August 8, 2019.
28

1 Mr. Harbour anticipates that there will be a substantial volume of discovery in this
2 case. The discovery will include items seized by the government pursuant to at least one
3 search warrant and materials the government obtained by grand jury subpoenas. The
4 government is expected to begin producing these documents shortly, but no discovery has
5 yet been produced, and it appears unlikely that all discovery will be provided prior to the
6 current trial date, October 1, 2019.

7 Mr. Harbour respectfully requests that the Court designate this case as complex for
8 purposes of the Speedy Trial Act and Local Criminal Rule 16.4, continue the current trial
9 date, and set a status conference within 21 days of the complex case designation to
10 determine a schedule for motions, discovery, and other pre-trial case management issues.
11 This will allow the Court to establish a consolidated schedule for discovery and motions,
12 which will maximize the efficiency and effectiveness of the process, and permit the
13 resolution of anticipated trial management issues such as a potential severance of counts
14 or parties.

15 This case is plainly sufficiently “complex” or “unusual” to justify a complex case
16 designation. This case involves a substantial volume of discovery and complicated factual
17 issues covering several years.

18 For these reasons, Mr. Harbour respectfully requests that the Court grant this
19 unopposed motion to designate this a “complex case,” continue the trial date, and set a
20 status conference within 21 days of the complex case designation to determine a schedule
21 for motions, discovery, and other pre-trial case management issues.

22
23 RESPECTFULLY SUBMITTED this 26th day of August, 2019.

24 BALLARD SPAHR LLP

25
26 By: /s/ Mark Kokanovich

27 Mark Kokanovich
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David Allen Harbour

CERTIFICATE OF SERVICE

I certify that on the 26th day of August, 2019, I electronically transmitted a PDF version of the foregoing document to the Office of the Clerk of the Court, using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants of record in this matter.

By: /s/ Sarah Gennett

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